

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 31, 1958
10:00 A. M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

Roll Call:

Present: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works.

Invocation was delivered by FATHER ALVIN BURGRAFF, St. Austin's Catholic Church, 2010 Guadalupe Street.

Councilman White moved that the Minutes of the Meeting of July 24, 1958, be approved. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE FOLLOWING: (1) SOUTH 40 FEET OF THE NORTH 69.43 FEET OF LOT 16, GRANDVIEW PLACE, FROM "B" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; (2) NORTH ONE-HALF OF THE SOUTH ONE-HALF OF LOTS 1 AND 2, BLOCK 8, OUTLOT 34, A. E. HABICHT SUBDIVISION FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; AND, (3) (a) AN IRREGULAR TRACT OF LAND OUT OF OUTLOT

NO. 50, DIVISION "B", LOCALLY KNOWN AS 1907-1925 AIRPORT BOULEVARD, FROM "A" RESIDENCE DISTRICT TO "C-1" COMMERCIAL DISTRICT; (B) AN IRREGULAR TRACT OF LAND OUT OF OUTLOT NO. 50, DIVISION "B", LOCALLY KNOWN AS 2001-2035 AIRPORT BOULEVARD, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; AND (C) A RECTANGULAR TRACT OF LAND OUT OF OUTLOT NO. 50, DIVISION "B", LOCALLY KNOWN AS 2037-2043 AIRPORT BOULEVARD, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT ON TWO TRACTS OF LAND FRONTING 304 FEET ON THE SOUTH RIGHT OF WAY LINE OF ST. JOHN'S AVENUE, LOCALLY KNOWN AS 615-625 ST. JOHN'S AVENUE, IN THE CITY

OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT ON A TRACT OF LAND FRONTING 89.5 FEET ON THE EAST RIGHT OF WAY LINE OF CAMERON ROAD, LOCALLY KNOWN AS 5201 CAMERON ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: Councilman Long

The ordinance was read the second time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: Councilman Long

The ordinance was read the third time and Councilman Palmer moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: Councilman Long

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY ESTABLISHING THE BOUNDARIES FOR ONE ORIGINAL USE DISTRICT AND HEIGHT AND AREA DISTRICT IN AN AREA ANNEXED TO THE CITY OF AUSTIN JUNE 6, 1957; ORDERING A CHANGE IN THE USE AND HEIGHT AND AREA MAPS SO AS TO RECORD SUCH DISTRICT; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the second time and Councilman Palmer moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the third time and Councilman Palmer moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in TOM GREEN STREET, from a point 144.0 feet north of East 33rd Street northerly 54.0 feet, the centerline of which gas main shall be 20.0 feet west of and parallel to the east property line of said TOM GREEN STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(2) A gas main in BERGER STREET, from Ledesma Street, southerly 163.0 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said BERGER STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(3) A gas main in LEDESMA STREET, from a point 173.0 feet west of Berger Street to Garland Avenue, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said LEDESMA STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(4) A gas main in GARLAND AVENUE, from Ortega Street to Ledesma Street, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said GARLAND AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(5) A gas main in ORTEGA STREET, from Garland Avenue easterly 178.0 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said ORTEGA STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(6) A gas main in SANTA ANA STREET, from a point 38.0 feet west of Nickols Avenue to Nickols Avenue, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said SANTA ANA STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(7) A gas main in TOWNES LANE, from a point 175.0 feet west of Hillview Road westerly 82.0 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said TOWNES LANE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(8) A gas main in LYONS ROAD, from a point 275.0 feet east of Maud Street westerly 180.0 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said LYONS ROAD.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(9) A gas main in NORTH HAMPTON DRIVE, from a point 18.0 feet north of Bristol Drive northerly 343.0 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said NORTH HAMPTON DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(10) A gas main in CLAWSON ROAD, from Sylvan Glade southerly 466.0 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said CLAWSON ROAD.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(11) A gas main in PHILCO DRIVE, from a point 120.0 feet west of Clawson Road easterly 728.0 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said PHILCO DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(12) A gas main in SYLVAN GLADE from Clawson Road to Banbury Bend, the centerline of which gasmain shall be 6.5 feet south of and parallel to the north property line of SYLVAN GLADE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(13) A gas main in BANBURY BEND, from Philco Drive to Sylvan Glade, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said BANBURY BEND.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

THE Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves the property situated on the north side of East First Street as a private Propane Gas plant consisting of a 250 gallon tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no Propane Gas is to be sold, which property is owned by Sandahl Beverage Company, and is Lots 3-4-5-6, of the Alff Addition, Outlot 26, Division 0, of the City of Austin, Travis County, Texas, and hereby authorizes the said Sandahl Beverage Company to operate a private Propane Gas plant consisting of a 250 gallon tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no Propane Gas is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached

recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private Propane Gas Plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic, and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Sandahl Beverage Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"Austin, Texas
July 31, 1958

"Mr. W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Sir:

"I, the undersigned, have considered the application of the Sandahl Beverage Company, through their agent, R. W. Daily, for permission to operate a private Propane Gas plant consisting of a 250 gallon tank with an electric pumping unit whereby the release of any vapors will not be necessary or required, for the sole purpose of servicing a Fork Lift Truck and from which no Propane Gas is to be sold, on property located on the north side of East First Street, which property is designated as lots 3-4-5-6 of the Alff Addition, Outlot 26, Division O, in the City of Austin, Travis County, Texas, and locally known as 2412 East First Street.

"This property is located in a "C" Commercial District and I recommend that this permit be granted subject to the following conditions:

- "(1) That the installation of this Propane Gas tank and all valves, fittings, and equipment shall meet the requirements of Liquefied Petroleum Gas, Docket Number I of the Texas Railroad Commission.
- "(2) That "No Smoking" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where volatile or flammable liquids are handled or stored.
- "(3) That all fees shall be paid and a permit secured from the Building Inspector's Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

"Respectfully submitted,
(Sgd) J. C. Eckert
Chief Building Inspector"

The motion, seconded by Councilman Pearson, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. C. Evans is the Contractor for the erection of a building located at 2260 Guadalupe Street and desires a portion of the sidewalk and street space abutting the north 32 feet of Lot 35 and the south 20 feet of Lot 34 in the Louis Horst Sub-Division, Outlot 35, Division "D", of the City of Austin, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said J. C. Evans, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northeast corner of the above described property; thence in an easterly direction and at right angles with the center line of Guadalupe Street to a point 12 feet east of the west curb line; thence in a southerly direction and at parallells with the center line of Guadalupe Street, approximately 54 feet to a point; thence in a westerly direction and at right angles to the center line of Guadalupe Street to the southeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said J. C. Evans, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) THAT the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) THAT the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) THAT no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) THAT "No Parking" signs shall be placed on the street side of the barricades.

(5) THAT the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(6) THAT the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7) THAT provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8) THAT the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting systems for all tunnels.

(9) THAT the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than May 1, 1959.

(10) THAT the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11) THAT the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part of all of said space any time with its public utilities, or for other necessary public purposes.

(12) THAT any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City Forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(13) THAT the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Council had before it the request of GEORGE B. SHEPHERD for permission to build a gasoline service station on property located at the southwest corner of Northland Drive and Bull Creek Road. Discussion was held regarding the drainage and acquiring easements. Councilman Pearson stated he would talk with Mr. Deason and have an answer next week. No action was taken.

No action was taken on the request of MR. FRANK W. PRIBBLE for consideration of "C" Commercial zoning on a 40' x 150' strip of land adjacent to 5308 Parkcrest Drive. (Original Zoning - Area 6)

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

SECTION 1. That the certain agreement dated July 31, 1958, between the State of Texas and the City of Austin, for the adjustment of certain sanitary sewer facilities on Interstate Highway 35 from East 19th Street to the Colorado River, be and the same is hereby approved and W. T. Williams, Jr., is hereby authorized to execute said agreement on behalf of said City and to transmit the same to the State of Texas for appropriate action.

SECTION 2. That this Resolution shall take effect immediately upon its passage.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The City Manager submitted the following:

"July 23, 1958

"Mr. W. T. Williams, City Manager "Purchase of Unit Substations on 7309X

"Bids were opened July 16, 1958, at 2:00 P.M. for five triple-rated 12,000/16,000/20,000 KVA Unit Substations. These bids are tabulated as follows:

<u>"BIDDER</u>	<u>DELIVERY</u>	<u>UNIT PRICE</u>
"Westinghouse Electric Corporation	18 weeks	\$100,454.00
General Electric Company	16 weeks	97,845.00
Allis-Chalmers Manufacturing Co.	14 weeks	96,364.00

"All bidders quoted net 30 days, firm price, and Westinghouse and Allis-Chalmers quoted FOB Factory freight allowed, General Electric quoted FOB Austin. All deliveries are satisfactory.

"I recommend that we enter into a contract with the low bidder, Allis-Chalmers Manufacturing Company, for five (5) Unit Substations at the firm price of \$96,364.00 each."

"(Sgd) D. C. Kinney
Director Elec. Utility

APPROVED:
W. T. WILLIAMS, JR., City Manager"

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on July 16, 1958, for five (5) triple-rated (12,000/16,000/20,000) Unit Substations; and,

WHEREAS, the bid of Allis-Chalmers Manufacturing Co. in the sum of \$96,364.00 each was the lowest and best bid therefor, and the acceptance of such unit bid has been recommended by the Director of Electric Utility of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the unit bid of Allis-Chalmers Manufacturing Co. in the sum of \$96,364.00 be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with Allis-Chalmers Manufacturing Co.

The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

The City Manager submitted the following:

"July 30, 1958

"Mayor & City Council
City of Austin
Austin, Texas

"Re: Work to be accomplished under
Ordinance No. 580227D - Passed
February 27, 1958

"In compliance with your directions given in the above ordinance, I file herewith my estimate of the cost of street improvements (curb, gutter and paving) on the following units set out in said Ordinance:

Contract No. 58-A-28

<u>"Unit</u>	<u>Curb & gutter</u>	<u>Paving</u>	<u>Total</u>
58-18 Possum Trot; NPL W. 8th St. to SPL W. 12th St.	\$ 2092.53	\$ 7274.28	\$ 9842.81
58-19 Sinclair Ave.; Pmnt. in place S. of W. 49th St. to SPL W. 49th St.	821.40	1966.24	2787.64
58-20 Pecos St.; NPL Greenlee Dr. to NPL Reed Park	735.47	2712.01	3745.48
58-21 Hillview Rd.; SPL Townes La. to Westover Rd.	472.46	8066.11	10314.57
58-21(a) Richard La. & WPL Hillview Rd., W., to end of street	1046.93	1342.21	2389.14
58-22 Westover Rd.; Hillview Rd., to WPL Exposition Blvd.	434.53	6138.00	6572.53
58-23 Greenlee Dr.; WPL Pecos St. to SPL Hillview Road	1914.45	6665.41	8579.86
58-24 Raleigh Ave.; SPL Bonnie Rd. to SPL Clearview Dr.	1317.73	5667.07	6984.80

58-25	Harvey St.; SPL E. 16th St. to SPL E. 19th St.	\$ 2333.91	\$ 5735.07	\$ 8798.98
58-26	W. 11th St.; EPL Possum Trot to WPL Winsted La.	1878.09	6498.01	8626.10
58-27	Laird Dr.; NPL Koenig La. to Pvmt. in place N. of Payne Ave.	5227.78	13374.61	18602.39
58-28	Rosedale Ave.; NPL W. 40th St. to NPL W. 41st St.	836.75	2346.60	3183.35
58-29	Kenwood Ave.; SPL Milam Pl. to SPL Riverside Dr.	1103.32	3016.67	4119.99
58-30	Winsted La.; SPL Quarry Rd. to SPL Enfield Rd.	1601.63	3697.11	6292.75
58-31	Whitis Ave.; NPL W. 30th St. to SPL W. 31st St.	589.63	1863.39	2476.87
58-32	Kerbey La.; NPL W. 29th St. to SPL W. 30th St.	692.87	1407.92	2100.79
58-33	Glenview Ave.; NPL W. 29th St. to SPL W. 32nd St.	1960.37	4747.50	6707.87
58-34	Ave. "G"; NPL E. 45th St. to SPL E. 46th St.	1653.40	3908.00	5561.40
58-35	Lewis La.; NPL W. 40th St. to SPL W. 42nd St.	2172.36	3692.56	5864.92

"Yours very truly,
(Sgd) S. Reuben Rountree, Jr.
S. Reuben Rountree, Jr.
Director of Public Works"

Councilman Long moved that the estimate of the Director of Public Works be accepted and ordered filed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

SECTION 1. That the certain agreement dated July 31, 1958 between the State of Texas and the City of Austin for the modification of the Contractual Agreement for Right of Way Procurement on Loop 293, Project No. 113-13-2 between the City of Austin West City Limits near U. S. 290 and the City of Austin East City Limits East of Congress Avenue be and the same is hereby approved and W. T. Williams, Jr., City Manager is hereby authorized to execute said Agreement on behalf of said City and transmit the same to the State of Texas for appropriate action.

SECTION 2. That this Resolution shall take effect immediately upon its passage.

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Council discussed the procedure for acquiring the right-of-way on Ben White Boulevard.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, By letter approved April 1, 1958, a copy of which is attached hereto and incorporated herewith the City of Austin agreed that it would enter into a contract with John G. Pundt for the City's natural gas requirements for its Power Plants for a period of 23 years under the conditions therein stated; and,

WHEREAS, recent international events have caused concern over the possibility that the supply of steel necessary to fulfill such proposed contract might become difficult to obtain and the said John G. Pundt has requested the City of Austin to take certain steps to expedite the completion of the proposal; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City of Austin is prepared to proceed with the preparation and execution of a contract in keeping with the provisions of said letter of April 1, 1958, and will do so when either the First National Bank of Dallas, or the Republic National Bank of Dallas, or the Prudential Life Insurance Company of Newark, New Jersey supplies the City with written evidence that said lending firm will lend sufficient funds for the construction of a gas transmission system to the City of Austin, gas gathering systems to supply the same, and funds with which to commence operation thereof (being approximately \$7,000,000) and the written opinion of the Oil Department of said lending firm that gas sufficient to meet the City's daily needs through the year 1968 out of known reserves of at least 175 billion cubic feet has thus far been obtained and that all such reserves now owned and to be acquired will be committed exclusively to the City's requirements until released by the City so that sales of gas to other customers will not be made until it has been demonstrated to the City that the reserves are adequate to serve such other customer and to meet the City's requirements for the 23 year period outlined in said letter of April 1, 1958; and that in case the reserves should for any reason become depleted to the extent that the City's requirements can not be met and such reserves can not be restored that the City shall have an option, to be exercised by it within six (6) months, to either buy so much of the transmission system and other properties as it may desire, for a price equal to the then fair market value of the part purchased, or to rent or lease such part of said system or properties for a rental then equal to a fair return on the then fair market value of the part rented or leased; and provided, further, that both the lending firm and the borrower agree that in the event of the occurrence of any event which would result in foreclosure under the deed of trust or other instrument by which such loan is secured that the City of Austin shall have notice thereof and shall have an option to be exercised by it within six (6) months after such notice to purchase the lending firm's security and interest therein for the amount of the unpaid balance due said lender after foreclosure; and, provided further, that the time specified in paragraph 10 of said letter is hereby agreed to be extended to September 1, 1958.

(Letter Attached)

The City of Austin
Austin, Texas

We understand that the City of Austin owns and operates its power plants and distributes power to the residents of Austin and its environs for domestic and industrial purposes. We further understand you have long sought to find known reserves of natural gas in sufficient quantities at reasonable fixed costs which can be committed to your requirements by responsible persons to assure the continued economical operation of your power plant. When the existing contract for gas was authorized the Austin newspapers on December 22, 1955, quoted Mayor Tom Miller saying that:

"If there is anybody, anywhere, at any place who's got a better contract we want them to come in."

I confidently believe the proposition we have will meet your expectations.

We now own, or will otherwise have available to you, proven natural gas reserves more than sufficient to meet the estimated requirements of your power plants for the next 23 years, and are prepared to supply your needs upon the following basis:

1. That we will provide you with definite and satisfactory evidence, through report of capable and reputable geologists and/or gas engineers, that we own or control sufficient natural gas reserves to meet your power plant requirements, and such evidence will be sufficient to satisfy any capable and reputable geologists and/or gas engineers selected and employed by you to analyze such evidence.
2. That we will provide you with definite and satisfactory evidence that we have the financial ability and capacity to construct and operate a main pipeline and appropriate gathering systems from the point or points of our supply to your power plants.
3. That the gas to be deliverable hereunder shall be merchantable gas of not less than 1000 B. T. U. per cubic foot, and shall be delivered to your plants under a pressure of 100 pounds Psig.
4. That we will provide you with definite and satisfactory evidence that the report of your natural gas reserves so made by competent geologists and engineers is acceptable to the banks or bankers we may interest in financing the project.
5. Because of the nature of competition in the industry, the location of the gas reserves and our identity are not to be disclosed until after our formal contract has been executed.
6. If at any time after acceptance of this offer by you, your present supplier of gas should wrongfully discontinue serving your plants with gas, then we will commence supplying your power plants' requirements of fuel oil at the same cost to the City per million B. T. U.'s which is provided under the following schedule of gas prices. After our gas pipelines have been connected with the City's power plants we will continue to maintain your requirements of fuel oil reserves in your storage containers for emergency use in the event our gas

supply to your plants should be interrupted and when such emergency supply of fuel oil is used the City will pay us the same price per million B. T. U.'s which is provided under the following schedule of prices.

7. In the event the supplier of gas to domestic consumers in Austin should be wrongfully deprived of a source of gas for such purposes, then we will guarantee an adequate supply of gas to such distributor upon the same basis we agree to supply your power plant requirements.

8. The City will buy from us its entire gas requirements for all its electric generating plants at prices which shall not exceed the following:

For the years (inclusive) 1958 through 1962	15.50¢ per Mcf
For the years (inclusive) 1963 through 1967	18.00¢ per Mcf
For the years (inclusive) 1968 through 1972	20.00¢ per Mcf
For the years (inclusive) 1973 through 1977	21.50¢ per Mcf
For the years (inclusive) 1978 through 1980	20.00¢ per Mcf

If by applying the following formula for gas consumed any month the price shall be less than the above prices per Mcf, the City shall pay the lesser of the two prices for such gas consumed:

The actual weighted average price per Mcf (expressed in cents per Mcf at 14.9 pounds p.s.i.a.) paid for gas at the wellheads in the following named counties in Texas during the preceding calendar month, plus 5.25 cents per thousand cubic feet for transportation, plus 10% of the sum of the foregoing, plus taxes as herein defined. "Taxes" as used here means any tax (other than ad valorem and Federal income or excess profits taxes) or any franchise charge made by the City of Austin, license, fee, or charge now or hereafter levied, assessed or made by any governmental authority on the gas or on the act, right, or privilege of production, severance, gathering, transportation, distribution, handling, sale, or delivery of gas which is determined by the volume, value, or sales price of the gas in question, but the term "tax" shall not be deemed to include any general franchise tax imposed on corporation on account of their corporate existence or on their right to do business within the State as a foreign corporation. The counties in which average prices at the well head are to be used as the basis for determining price under this formula are:

Atascosa	Comal	Karnes	Nueces
Austin	DeWitt	Kenedy	Real
Bandera	Dimmit	Kendall	San Patricio
Bastrop	Duval	Kerr	Starr
Bee	Frio	Kleberg	Travis
Bell	Gillespie	Lavaca	Uvalde
Bexar	Goliad	LaSalle	Victoria
Blanco	Gonzales	Lee	Washington
Brooks	Guadalupe	Live Oak	Webb
Burleson	Hayes	Ilano	Willacy
Burnet	Hidalgo	McMullen	Williamson
Cameron	Jim Hogg	Medina	Wilson
Colorado	Jim Wells	Milam	Zapata
			Zavala

9. We understand that at the present time your generating plants are consuming approximately six billion cubic feet of gas per year, and that your engineers estimate that your future consumption will be as shown in the following schedule:

ESTIMATED NATURAL GAS REQUIREMENTS FOR 23 YEARS IN MILLIONS
OF CUBIC FEET

1958	6,600	1970	37,000
1959	7,600	1971	42,500
1960	8,800	1972	48,900
1961	10,500	1973	56,400
1962	12,100	1974	64,800
1963	13,900	1975	74,500
1964	16,000	1976	85,700
1965	18,400	1977	100,000
1966	21,200	1978	114,000
1967	24,400	1979	131,000
1968	28,000	1980	151,000
1969	32,200		

10. If we or our assignees or nominees selected to carry out the purposes of this letter shall meet the requirements outlined herein on or before August 1, 1958, or within any additional time to which the City may grant an extension, the City will enter into a full and definitive contract for the purchase of gas pursuant hereto; it being understood and agreed that one or more corporations will be created or selected to accomplish the purposes of this letter and that we shall have the right to assign all our rights hereunder and under the final gas purchase contract to such assignees or nominees of ours as shall fulfill the requirements outlined herein.

If these conditions are acceptable to the City of Austin, we will appreciate your so indicating by executing and returning the original and one copy of this letter to us.

Very truly yours,
(Sgd) John G. Pundt

APPROVED:

CITY OF AUSTIN

By (Sgd) W. T. Williams, Jr.
City Manager
April 1, 1958

The motion, seconded by Councilman Palmer, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Mayor Miller brought up the request of the West Side Optimist Club for use of City owned property to develop three (3) boys baseball diamonds. They asked for a site of about 600' x 600' located near the Colorado River west of the Humane Society's animal shelter. Councilman Long moved that the City Manager be instructed to draw up a regular lease. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

MR. DAVID B. BARROW, Chairman of the Planning Commission, commended MR. HUGO KUEHNE for his long and faithful service to the City of Austin. Mrs. Helen Mitchell and Mr. Marvin Braswell, members of the Planning Commission; Mr. Hoyle Osborne, Acting Planning Director; Mr. Ed Stevens and Miss Jewell Osborn of the Planning Department were present. Mayor Miller introduced Mrs. Hugo Kuehne, Mr. Hugo Kuehne, Jr., and Miss Kay Gurley, Mr. Barrow's secretary. Councilman White offered the following resolution and moved its adoption:

WHEREAS, MR. HUGO KUEHNE, a native of the City of Austin and a practicing architect therein for a half-century, has patiently and consistently devoted his skill, ingenuity, experience, and time, during a large part of his professional life to helping our beloved City in its continuing growth in convenience and beauty; and

WHEREAS, HUGO KUEHNE'S talents have been most valuable to his fellow citizens by his selfless service as member and as chairman of the City Planning Commission, for 31 years, during which time the first Master Plan for the City of Austin was developed and consummated; and

WHEREAS, our City is the beneficiary of much strength and utility derived from the perspective seen through the trained eyes of the said HUGO KUEHNE as he witnessed the past growth and present momentum of the City, Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the people of Austin, through their City Council, express their gratitude to MR. HUGO KUEHNE for his long public service, on their belief that his intelligent foresight has made a permanent contribution in the growth of this City.

The Council by rising vote adopted the Resolution. Those present joined with the Council in this recognition. Mr. Kuehne expressed his appreciation.

The City Manager called attention of the Council to a publication in the July Issue of the Texas Municipalities of a comparison of Texas cities on taxes, indebtedness and activities. He stated Austin has 10 services while other cities have 7; the adjusted tax rate for Austin was next to low in the State and Austin had the smallest bonded debt. The Council requested the City Manager to secure extra copies.

The Council requested that Mr. Blodgett secure a picture of Councilman Palmer and place it along with the other Council Member's pictures in the Council Room, as soon as possible.

The City Manager gave a report on a discussion with one of the Airlines regarding the rental rates at the Airport.

The Council discussed city owned property and the selling of the houses that are not needed.

There being no further business, the Council adjourned at 12:00 Noon, subject to the call of the Mayor.

APPROVED



Mayor

ATTEST:



Deputy City Clerk